

**HOUSE** \_\_\_\_\_ **AMENDMENT NO.** \_\_\_\_\_

**Offered By**

1 AMEND Senate Bill No. 0564, Page 1, In the Title, Lines 3-5, by deleting all of said lines and  
2 inserting in lieu thereof the words, "to transportation."; and  
3 Further amend said bill, Page 1, Section A, Line 2, by inserting after all of said section, the  
4 following:

5 "142.815. 1. Motor fuel used for the following nonhighway purposes is exempt from the  
6 fuel tax imposed by this chapter, and a refund may be claimed by the consumer, except as  
7 provided for in subdivision (1) of this subsection, if the tax has been paid and no refund has been  
8 previously issued:

9 (1) Motor fuel used for nonhighway purposes including fuel for farm tractors or stationary  
10 engines owned or leased and operated by any person and used exclusively for agricultural  
11 purposes and including, beginning January 1, 2006, bulk sales of one hundred gallons or more of  
12 gasoline made to farmers and delivered by the ultimate vender to a farm location for agricultural  
13 purposes only. As used in this section, the term "farmer" shall mean any person engaged in  
14 farming in an authorized farm corporation, family farm, or family farm corporation as defined in  
15 section 350.010. At the discretion of the ultimate vender, the refund may be claimed by the  
16 ultimate vender on behalf of the consumer for sales made to farmers and to persons engaged in  
17 construction for agricultural purposes as defined in section 142.800. After December 31, 2000,  
18 the refund may be claimed only by the consumer and may not be claimed by the ultimate vender  
19 unless bulk sales of gasoline are made to a farmer after January 1, 2006, as provided in this  
20 subdivision and the farmer provides an exemption certificate to the ultimate vender, in which case  
21 the ultimate vender may make a claim for refund under section 142.824 but shall be liable for any  
22 erroneous refund;

23 (2) Kerosene sold for use as fuel to generate power in aircraft engines, whether in aircraft  
24 or for training, testing or research purposes of aircraft engines;

25 (3) Diesel fuel used as heating oil, or in railroad locomotives or any other motorized  
26 flanged-wheel rail equipment, or used for other nonhighway purposes other than as expressly  
27 exempted pursuant to another provision.

28 2. Subject to the procedural requirements and conditions set out in this chapter, the  
29 following uses are exempt from the tax imposed by section 142.803 on motor fuel, and a  
30 deduction or a refund may be claimed:

(1) Motor fuel for which proof of export is available in the form of a terminal-issued destination state shipping paper and which is either:

(a) Exported by a supplier who is licensed in the destination state or through the bulk transfer system;

(b) Removed by a licensed distributor for immediate export to a state for which all the applicable taxes and fees (however nominated in that state) of the destination state have been paid to the supplier, as a trustee, who is licensed to remit tax to the destination state; or which is destined for use within the destination state by the federal government for which an exemption has been made available by the destination state subject to procedural rules and regulations promulgated by the director; or

(c) Acquired by a licensed distributor and which the tax imposed by this chapter has previously been paid or accrued either as a result of being stored outside of the bulk transfer system immediately prior to loading or as a diversion across state boundaries properly reported in conformity with this chapter and was subsequently exported from this state on behalf of the distributor; The exemption pursuant to paragraph (a) of this subdivision shall be claimed by a deduction on the report of the supplier which is otherwise responsible for remitting the tax upon removal of the product from a terminal or refinery in this state. The exemption pursuant to paragraphs (b) and (c) of this subdivision shall be claimed by the distributor, upon a refund application made to the director within three years. A refund claim may be made monthly or whenever the claim exceeds one thousand dollars;

(2) Undyed K-1 kerosene sold at retail through dispensers which have been designed and constructed to prevent delivery directly from the dispenser into a vehicle fuel supply tank, and undyed K-1 kerosene sold at retail through nonbarricaded dispensers in quantities of not more than twenty-one gallons for use other than for highway purposes. Exempt use of undyed kerosene shall be governed by rules and regulations of the director. If no rules or regulations are promulgated by the director, then the exempt use of undyed kerosene shall be governed by rules and regulations of the Internal Revenue Service. A distributor or supplier delivering to a retail facility shall obtain an exemption certificate from the owner or operator of such facility stating that its sales conform to the dispenser requirements of this subdivision. A licensed distributor, having obtained such certificate, may provide a copy to his or her supplier and obtain undyed kerosene without the tax levied by section 142.803. Having obtained such certificate in good faith, such supplier shall be relieved of any responsibility if the fuel is later used in a taxable manner. An ultimate vendor who obtained undyed kerosene upon which the tax levied by section 142.803 had been paid and makes sales qualifying pursuant to this subsection may apply for a refund of the tax pursuant to application, as provided in section 142.818, to the director provided the ultimate vendor did not charge such tax to the consumer;

1 (3) Motor fuel sold to the United States or any agency or instrumentality thereof. This  
2 exemption shall be claimed as provided in section 142.818;

3 (4) Motor fuel used solely and exclusively as fuel to propel motor vehicles on the public  
4 roads and highways of this state when leased or owned and when being operated by a federally  
5 recognized Indian tribe in the performance of essential governmental functions, such as providing  
6 police, fire, health or water services. The exemption for use pursuant to this subdivision shall be  
7 made available to the tribal government upon a refund application stating that the motor fuel was  
8 purchased for the exclusive use of the tribe in performing named essential governmental services;

9 (5) That portion of motor fuel used to operate equipment attached to a motor vehicle, if  
10 the motor fuel was placed into the fuel supply tank of a motor vehicle that has a common fuel  
11 reservoir for travel on a highway and for the operation of equipment, or if the motor fuel was  
12 placed in a separate fuel tank and used only for the operation of auxiliary equipment. The  
13 exemption for use pursuant to this subdivision shall be claimed by a refund claim filed by the  
14 consumer who shall provide evidence of an allocation of use satisfactory to the director;

15 (6) Motor fuel acquired by a consumer out-of-state and carried into this state, retained  
16 within and consumed from the same vehicle fuel supply tank within which it was imported,  
17 except interstate motor fuel users;

18 (7) Motor fuel which was purchased tax-paid and which was lost or destroyed as a direct  
19 result of a sudden and unexpected casualty or which had been accidentally contaminated so as to  
20 be unsalable as highway fuel as shown by proper documentation as required by the director. The  
21 exemption pursuant to this subdivision shall be refunded to the person or entity owning the motor  
22 fuel at the time of the contamination or loss. Such person shall notify the director in writing of  
23 such event and the amount of motor fuel lost or contaminated within ten days from the date of  
24 discovery of such loss or contamination, and within thirty days after such notice, shall file an  
25 affidavit sworn to by the person having immediate custody of such motor fuel at the time of the  
26 loss or contamination, setting forth in full the circumstances and the amount of the loss or  
27 contamination and such other information with respect thereto as the director may require;

28 (8) Dyed diesel fuel or dyed kerosene used for an exempt purpose. This exemption shall  
29 be claimed as follows:

30 (a) A supplier or importer shall take a deduction against motor fuel tax owed on their  
31 monthly report for those gallons of dyed diesel fuel or dyed kerosene imported or removed from a  
32 terminal or refinery destined for delivery to a point in this state as shown on the shipping papers;

33 (b) This exemption shall be claimed by a deduction on the report of the supplier which is  
34 otherwise responsible for remitting the tax on removal of the product from a terminal or refinery  
35 in this state;

36 (c) This exemption shall be claimed by the distributor, upon a refund application made to

1 the director within three years. A refund claim may be made monthly or whenever the claim  
2 exceeds one thousand dollars.

3 3. Motor fuel used in any watercraft, as such term is defined in section 306.010, is exempt  
4 from the fuel tax imposed by this chapter, and no such tax shall be imposed or levied on any  
5 motor fuel delivered to any marina or other retailer within this state who sells such fuel solely for  
6 use in any watercraft in this state. Any distributor who delivers motor fuel to any marina located  
7 in this state for use only in a watercraft may also claim the exemption provided in this subsection.

8 144.030. 1. There is hereby specifically exempted from the provisions of sections  
9 144.010 to 144.525 and from the computation of the tax levied, assessed or payable pursuant to  
10 sections 144.010 to 144.525 such retail sales as may be made in commerce between this state and  
11 any other state of the United States, or between this state and any foreign country, and any retail  
12 sale which the state of Missouri is prohibited from taxing pursuant to the Constitution or laws of  
13 the United States of America, and such retail sales of tangible personal property which the general  
14 assembly of the state of Missouri is prohibited from taxing or further taxing by the constitution of  
15 this state.

16 2. There are also specifically exempted from the provisions of the local sales tax law as  
17 defined in section 32.085, section 238.235, and sections 144.010 to 144.525 and 144.600 to  
18 144.761 and from the computation of the tax levied, assessed or payable pursuant to the local  
19 sales tax law as defined in section 32.085, section 238.235, and sections 144.010 to 144.525 and  
20 144.600 to 144.745:

21 (1) Motor fuel or special fuel subject to an excise tax of this state, unless all or part of  
22 such excise tax is refunded pursuant to section 142.824; or upon the sale at retail of fuel to be  
23 consumed in manufacturing or creating gas, power, steam, electrical current or in furnishing water  
24 to be sold ultimately at retail; or feed for livestock or poultry; or grain to be converted into  
25 foodstuffs which are to be sold ultimately in processed form at retail; or seed, limestone or  
26 fertilizer which is to be used for seeding, liming or fertilizing crops which when harvested will be  
27 sold at retail or will be fed to livestock or poultry to be sold ultimately in processed form at retail;  
28 economic poisons registered pursuant to the provisions of the Missouri pesticide registration law  
29 (sections 281.220 to 281.310) which are to be used in connection with the growth or production of  
30 crops, fruit trees or orchards applied before, during, or after planting, the crop of which when  
31 harvested will be sold at retail or will be converted into foodstuffs which are to be sold ultimately  
32 in processed form at retail;

33 (2) Materials, manufactured goods, machinery and parts which when used in  
34 manufacturing, processing, compounding, mining, producing or fabricating become a component  
35 part or ingredient of the new personal property resulting from such manufacturing, processing,  
36 compounding, mining, producing or fabricating and which new personal property is intended to be

1 sold ultimately for final use or consumption; and materials, including without limitation, gases  
2 and manufactured goods, including without limitation slagging materials and firebrick, which are  
3 ultimately consumed in the manufacturing process by blending, reacting or interacting with or by  
4 becoming, in whole or in part, component parts or ingredients of steel products intended to be  
5 sold ultimately for final use or consumption;

6 (3) Materials, replacement parts and equipment purchased for use directly upon, and for  
7 the repair and maintenance or manufacture of, motor vehicles, watercraft, railroad rolling stock or  
8 aircraft engaged as common carriers of persons or property;

9 (4) Replacement machinery, equipment, and parts and the materials and supplies solely  
10 required for the installation or construction of such replacement machinery, equipment, and parts,  
11 used directly in manufacturing, mining, fabricating or producing a product which is intended to be  
12 sold ultimately for final use or consumption; and machinery and equipment, and the materials and  
13 supplies required solely for the operation, installation or construction of such machinery and  
14 equipment, purchased and used to establish new, or to replace or expand existing, material  
15 recovery processing plants in this state. For the purposes of this subdivision, a "material recovery  
16 processing plant" means a facility that has as its primary purpose the recovery of materials into a  
17 useable product or a different form which is used in producing a new product and shall include a  
18 facility or equipment which are used exclusively for the collection of recovered materials for  
19 delivery to a material recovery processing plant but shall not include motor vehicles used on  
20 highways. For purposes of this section, the terms motor vehicle and highway shall have the same  
21 meaning pursuant to section 301.010. Material recovery is not the reuse of materials within a  
22 manufacturing process or the use of a product previously recovered. The material recovery  
23 processing plant shall qualify under the provisions of this section regardless of ownership of the  
24 material being recovered;

25 (5) Machinery and equipment, and parts and the materials and supplies solely required for  
26 the installation or construction of such machinery and equipment, purchased and used to establish  
27 new or to expand existing manufacturing, mining or fabricating plants in the state if such  
28 machinery and equipment is used directly in manufacturing, mining or fabricating a product which  
29 is intended to be sold ultimately for final use or consumption;

30 (6) Tangible personal property which is used exclusively in the manufacturing,  
31 processing, modification or assembling of products sold to the United States government or to any  
32 agency of the United States government;

33 (7) Animals or poultry used for breeding or feeding purposes, or captive wildlife;

34 (8) Newsprint, ink, computers, photosensitive paper and film, toner, printing plates and  
35 other machinery, equipment, replacement parts and supplies used in producing newspapers  
36 published for dissemination of news to the general public;

1 (9) The rentals of films, records or any type of sound or picture transcriptions for public  
2 commercial display;

3 (10) Pumping machinery and equipment used to propel products delivered by pipelines  
4 engaged as common carriers;

5 (11) Railroad rolling stock for use in transporting persons or property in interstate  
6 commerce and motor vehicles licensed for a gross weight of twenty-four thousand pounds or more  
7 or trailers used by common carriers, as defined in section 390.020, in the transportation of persons  
8 or property;

9 (12) Electrical energy used in the actual primary manufacture, processing, compounding,  
10 mining or producing of a product, or electrical energy used in the actual secondary processing or  
11 fabricating of the product, or a material recovery processing plant as defined in subdivision (4) of  
12 this subsection, in facilities owned or leased by the taxpayer, if the total cost of electrical energy  
13 so used exceeds ten percent of the total cost of production, either primary or secondary, exclusive  
14 of the cost of electrical energy so used or if the raw materials used in such processing contain at  
15 least twenty-five percent recovered materials as defined in section 260.200. There shall be a  
16 rebuttable presumption that the raw materials used in the primary manufacture of automobiles  
17 contain at least twenty-five percent recovered materials. For purposes of this subdivision,  
18 "processing" means any mode of treatment, act or series of acts performed upon materials to  
19 transform and reduce them to a different state or thing, including treatment necessary to maintain  
20 or preserve such processing by the producer at the production facility;

21 (13) Anodes which are used or consumed in manufacturing, processing, compounding,  
22 mining, producing or fabricating and which have a useful life of less than one year;

23 (14) Machinery, equipment, appliances and devices purchased or leased and used solely  
24 for the purpose of preventing, abating or monitoring air pollution, and materials and supplies  
25 solely required for the installation, construction or reconstruction of such machinery, equipment,  
26 appliances and devices;

27 (15) Machinery, equipment, appliances and devices purchased or leased and used solely  
28 for the purpose of preventing, abating or monitoring water pollution, and materials and supplies  
29 solely required for the installation, construction or reconstruction of such machinery, equipment,  
30 appliances and devices;

31 (16) Tangible personal property purchased by a rural water district;

32 (17) All amounts paid or charged for admission or participation or other fees paid by or  
33 other charges to individuals in or for any place of amusement, entertainment or recreation, games  
34 or athletic events, including museums, fairs, zoos and planetariums, owned or operated by a  
35 municipality or other political subdivision where all the proceeds derived therefrom benefit the  
36 municipality or other political subdivision and do not inure to any private person, firm, or

1 corporation;

2 (18) All sales of insulin and prosthetic or orthopedic devices as defined on January 1,  
3 1980, by the federal Medicare program pursuant to Title XVIII of the Social Security Act of 1965,  
4 including the items specified in Section 1862(a)(12) of that act, and also specifically including  
5 hearing aids and hearing aid supplies and all sales of drugs which may be legally dispensed by a  
6 licensed pharmacist only upon a lawful prescription of a practitioner licensed to administer those  
7 items, including samples and materials used to manufacture samples which may be dispensed by a  
8 practitioner authorized to dispense such samples and all sales or rental of medical oxygen, home  
9 respiratory equipment and accessories, hospital beds and accessories and ambulatory aids, all sales  
10 or rental of manual and powered wheelchairs, stairway lifts, Braille writers, electronic Braille  
11 equipment and, if purchased or rented by or on behalf of a person with one or more physical or  
12 mental disabilities to enable them to function more independently, all sales or rental of scooters,  
13 reading machines, electronic print enlargers and magnifiers, electronic alternative and  
14 augmentative communication devices, and items used solely to modify motor vehicles to permit  
15 the use of such motor vehicles by individuals with disabilities or sales of over-the-counter or  
16 nonprescription drugs to individuals with disabilities, and drugs required by the Food and Drug  
17 Administration to meet the over-the-counter drug product labeling requirements in 21 CFR  
18 201.66, or its successor, as prescribed by a health care practitioner licensed to prescribe;

19 (19) All sales made by or to religious and charitable organizations and institutions in their  
20 religious, charitable or educational functions and activities and all sales made by or to all  
21 elementary and secondary schools operated at public expense in their educational functions and  
22 activities;

23 (20) All sales of aircraft to common carriers for storage or for use in interstate commerce  
24 and all sales made by or to not-for-profit civic, social, service or fraternal organizations, including  
25 fraternal organizations which have been declared tax-exempt organizations pursuant to Section  
26 501(c)(8) or (10) of the 1986 Internal Revenue Code, as amended, in their civic or charitable  
27 functions and activities and all sales made to eleemosynary and penal institutions and industries of  
28 the state, and all sales made to any private not-for-profit institution of higher education not  
29 otherwise excluded pursuant to subdivision (19) of this subsection or any institution of higher  
30 education supported by public funds, and all sales made to a state relief agency in the exercise of  
31 relief functions and activities;

32 (21) All ticket sales made by benevolent, scientific and educational associations which are  
33 formed to foster, encourage, and promote progress and improvement in the science of agriculture  
34 and in the raising and breeding of animals, and by nonprofit summer theater organizations if such  
35 organizations are exempt from federal tax pursuant to the provisions of the Internal Revenue Code  
36 and all admission charges and entry fees to the Missouri state fair or any fair conducted by a

1 county agricultural and mechanical society organized and operated pursuant to sections 262.290 to  
2 262.530;

3 (22) All sales made to any private not-for-profit elementary or secondary school, all sales  
4 of feed additives, medications or vaccines administered to livestock or poultry in the production  
5 of food or fiber, all sales of pesticides used in the production of crops, livestock or poultry for  
6 food or fiber, all sales of bedding used in the production of livestock or poultry for food or fiber,  
7 all sales of propane or natural gas, electricity or diesel fuel used exclusively for drying agricultural  
8 crops, natural gas used in the primary manufacture or processing of fuel ethanol as defined in  
9 section 142.028, natural gas, propane, and electricity used by an eligible new generation  
10 cooperative or an eligible new generation processing entity as defined in section 348.432, and all  
11 sales of farm machinery and equipment, other than airplanes, motor vehicles and trailers, and any  
12 freight charges on any exempt item. As used in this subdivision, the term "feed additives" means  
13 tangible personal property which, when mixed with feed for livestock or poultry, is to be used in  
14 the feeding of livestock or poultry. As used in this subdivision, the term "pesticides" includes  
15 adjuvants such as crop oils, surfactants, wetting agents and other assorted pesticide carriers used  
16 to improve or enhance the effect of a pesticide and the foam used to mark the application of  
17 pesticides and herbicides for the production of crops, livestock or poultry. As used in this  
18 subdivision, the term "farm machinery and equipment" means new or used farm tractors and such  
19 other new or used farm machinery and equipment and repair or replacement parts thereon and any  
20 accessories for and upgrades to such farm machinery and equipment, rotary mowers used  
21 exclusively for agricultural purposes, and supplies and lubricants used exclusively, solely, and  
22 directly for producing crops, raising and feeding livestock, fish, poultry, pheasants, chukar, quail,  
23 or for producing milk for ultimate sale at retail, including field drain tile, and one-half of each  
24 purchaser's purchase of diesel fuel therefor which is:

- 25 (a) Used exclusively for agricultural purposes;  
26 (b) Used on land owned or leased for the purpose of producing farm products; and  
27 (c) Used directly in producing farm products to be sold ultimately in processed form or  
28 otherwise at retail or in producing farm products to be fed to livestock or poultry to be sold  
29 ultimately in processed form at retail;

30 (23) Except as otherwise provided in section 144.032, all sales of metered water service,  
31 electricity, electrical current, natural, artificial or propane gas, wood, coal or home heating oil for  
32 domestic use and in any city not within a county, all sales of metered or unmetered water service  
33 for domestic use:

- 34 (a) "Domestic use" means that portion of metered water service, electricity, electrical  
35 current, natural, artificial or propane gas, wood, coal or home heating oil, and in any city not  
36 within a county, metered or unmetered water service, which an individual occupant of a



1 residential premises uses for nonbusiness, noncommercial or nonindustrial purposes. Utility  
2 service through a single or master meter for residential apartments or condominiums, including  
3 service for common areas and facilities and vacant units, shall be deemed to be for domestic use.  
4 Each seller shall establish and maintain a system whereby individual purchases are determined as  
5 exempt or nonexempt;

6 (b) Regulated utility sellers shall determine whether individual purchases are exempt or  
7 nonexempt based upon the seller's utility service rate classifications as contained in tariffs on file  
8 with and approved by the Missouri public service commission. Sales and purchases made  
9 pursuant to the rate classification "residential" and sales to and purchases made by or on behalf of  
10 the occupants of residential apartments or condominiums through a single or master meter,  
11 including service for common areas and facilities and vacant units, shall be considered as sales  
12 made for domestic use and such sales shall be exempt from sales tax. Sellers shall charge sales  
13 tax upon the entire amount of purchases classified as nondomestic use. The seller's utility service  
14 rate classification and the provision of service thereunder shall be conclusive as to whether or not  
15 the utility must charge sales tax;

16 (c) Each person making domestic use purchases of services or property and who uses any  
17 portion of the services or property so purchased for a nondomestic use shall, by the fifteenth day  
18 of the fourth month following the year of purchase, and without assessment, notice or demand,  
19 file a return and pay sales tax on that portion of nondomestic purchases. Each person making  
20 nondomestic purchases of services or property and who uses any portion of the services or  
21 property so purchased for domestic use, and each person making domestic purchases on behalf of  
22 occupants of residential apartments or condominiums through a single or master meter, including  
23 service for common areas and facilities and vacant units, under a nonresidential utility service rate  
24 classification may, between the first day of the first month and the fifteenth day of the fourth  
25 month following the year of purchase, apply for credit or refund to the director of revenue and the  
26 director shall give credit or make refund for taxes paid on the domestic use portion of the  
27 purchase. The person making such purchases on behalf of occupants of residential apartments or  
28 condominiums shall have standing to apply to the director of revenue for such credit or refund;

29 (24) All sales of handicraft items made by the seller or the seller's spouse if the seller or  
30 the seller's spouse is at least sixty-five years of age, and if the total gross proceeds from such sales  
31 do not constitute a majority of the annual gross income of the seller;

32 (25) Excise taxes, collected on sales at retail, imposed by Sections 4041, 4061, 4071,  
33 4081, 4091, 4161, 4181, 4251, 4261 and 4271 of Title 26, United States Code. The director of  
34 revenue shall promulgate rules pursuant to chapter 536 to eliminate all state and local sales taxes  
35 on such excise taxes;

36 (26) Sales of fuel consumed or used in the operation of ships, barges, or waterborne

vessels which are used primarily in or for the transportation of property or cargo, or the conveyance of persons for hire, on navigable rivers bordering on or located in part in this state, if such fuel is delivered by the seller to the purchaser's barge, ship, or waterborne vessel while it is afloat upon such river;

(27) All sales made to an interstate compact agency created pursuant to sections 70.370 to 70.441 or sections 238.010 to 238.100 in the exercise of the functions and activities of such agency as provided pursuant to the compact;

(28) Computers, computer software and computer security systems purchased for use by architectural or engineering firms headquartered in this state. For the purposes of this subdivision, "headquartered in this state" means the office for the administrative management of at least four integrated facilities operated by the taxpayer is located in the state of Missouri;

(29) All livestock sales when either the seller is engaged in the growing, producing or feeding of such livestock, or the seller is engaged in the business of buying and selling, bartering or leasing of such livestock;

(30) All sales of barges which are to be used primarily in the transportation of property or cargo on interstate waterways;

(31) Electrical energy or gas, whether natural, artificial or propane, water, or other utilities which are ultimately consumed in connection with the manufacturing of cellular glass products or in any material recovery processing plant as defined in subdivision (4) of this subsection;

(32) Notwithstanding other provisions of law to the contrary, all sales of pesticides or herbicides used in the production of crops, aquaculture, livestock or poultry;

(33) Tangible personal property and utilities purchased for use or consumption directly or exclusively in the research and development of agricultural/biotechnology and plant genomics products and prescription pharmaceuticals consumed by humans or animals;

(34) All sales of grain bins for storage of grain for resale;

(35) All sales of feed which are developed for and used in the feeding of pets owned by a commercial breeder when such sales are made to a commercial breeder, as defined in section 273.325, and licensed pursuant to sections 273.325 to 273.357;

(36) All purchases by a contractor on behalf of an entity located in another state, provided that the entity is authorized to issue a certificate of exemption for purchases to a contractor under the provisions of that state's laws. For purposes of this subdivision, the term "certificate of exemption" shall mean any document evidencing that the entity is exempt from sales and use taxes on purchases pursuant to the laws of the state in which the entity is located. Any contractor making purchases on behalf of such entity shall maintain a copy of the entity's exemption certificate as evidence of the exemption. If the exemption certificate issued by the exempt entity to the contractor is later determined by the director of revenue to be invalid for any reason and the

1 contractor has accepted the certificate in good faith, neither the contractor or the exempt entity  
2 shall be liable for the payment of any taxes, interest and penalty due as the result of use of the  
3 invalid exemption certificate. Materials shall be exempt from all state and local sales and use  
4 taxes when purchased by a contractor for the purpose of fabricating tangible personal property  
5 which is used in fulfilling a contract for the purpose of constructing, repairing or remodeling  
6 facilities for the following:

7 (a) An exempt entity located in this state, if the entity is one of those entities able to issue  
8 project exemption certificates in accordance with the provisions of section 144.062; or

9 (b) An exempt entity located outside the state if the exempt entity is authorized to issue an  
10 exemption certificate to contractors in accordance with the provisions of that state's law and the  
11 applicable provisions of this section;

12 (37) All sales or other transfers of tangible personal property to a lessor who leases the  
13 property under a lease of one year or longer executed or in effect at the time of the sale or other  
14 transfer to an interstate compact agency created pursuant to sections 70.370 to 70.441 or sections  
15 238.010 to 238.100;

16 (38) Sales of tickets to any collegiate athletic championship event that is held in a facility  
17 owned or operated by a governmental authority or commission, a quasi-governmental agency, a  
18 state university or college or by the state or any political subdivision thereof, including a  
19 municipality, and that is played on a neutral site and may reasonably be played at a site located  
20 outside the state of Missouri. For purposes of this subdivision, "neutral site" means any site that  
21 is not located on the campus of a conference member institution participating in the event;

22 (39) All purchases by a sports complex authority created under section 64.920, and all  
23 sales of utilities by such authority at the authority's cost that are consumed in connection with the  
24 operation of a sports complex leased to a professional sports team;

25 (40) Beginning January 1, 2009, but not after January 1, 2015, materials, replacement  
26 parts, and equipment purchased for use directly upon, and for the modification, replacement,  
27 repair, and maintenance of aircraft, aircraft power plants, and aircraft accessories;

28 (41) Sales of sporting clays, wobble, skeet, and trap targets to any shooting range or  
29 similar places of business for use in the normal course of business and money received by a  
30 shooting range or similar places of business from patrons and held by a shooting range or similar  
31 place of business for redistribution to patrons at the conclusion of a shooting event[.];

32 (42) All sales of motor fuel, as defined in section 142.800, used in any watercraft, as  
33 defined in section 306.010.”; and

34 Further amend said bill by amending the title, enacting clause, and intersectional reference  
35 accordingly.